

## **Chapter 15.03 DEFINITIONS**

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**15.03.010 Definitions.** For the purpose of interpreting this title, the following words and terms are defined as set forth in this chapter. Some chapters contain definitions in addition to those listed here. Words and terms that are not specifically defined shall be interpreted to give them the meaning they have in common usage as implied by their context and to give this title its most reasonable application. Words used in the present tense shall include the future. The singular number includes the plural and the plural includes the singular. The word "shall" is mandatory. The word "may" is permissive. (Ord. 5222, Sec. 1, 6/12/95)

**15.03.013 Abutting.** "Abutting" means having a common boundary for not less than five feet. Land areas separated by a public or private road, highway, street, alley or way, or by a waterway shall be construed as abutting herein. (Ord. 4465, Sec. 2, 1983)

**15.03.015 Accessory structure.** A structure which is incidental to and customarily associated with the principal use on the same lot. An accessory structure shall be subordinate in area, extent, and purpose to the principal building. (Ord. 5282, Sec. 1, 8/26/96)

**15.03.020 Accessory use.** A use which is incidental to and customarily associated with the principal use on the same lot. An accessory use shall be subordinate in area, extent, and purpose to the principal use. (Ord. 5282, Sec. 2, 8/26/96)

**15.03.021 Adult Bookstore.** "Adult bookstore" means an establishment that has a substantial or significant portion of its stock in trade in, or that has a segment or section devoted to the sale or display of books, magazines or other periodicals, videos, tapes, holographs or holograms, sexually-oriented paraphernalia, movies, games, materials, visual images or similar devices, along or in combination with each other, all or any of which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "specified anatomical areas" or "specified sexual activities" as defined in Sections 15. 03. 605 and 15. 03. 606, respectively. (Ord. 4513, Sec. 2, 1983)

**15.03.022 Adult mini motion picture theater.** "Adult mini motion picture theater" means an enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined in Sections 15.03.605 or 15.03.606, for observation by patrons therein. (Ord. 4179, Sec. 1, 1976)

**15.03.023 Adult motion picture theater.** "Adult motion picture theater" means an enclosed building with a capacity of fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specific anatomical areas," as defined in Sections 15.03.605 and 15.03.606, for observation by patrons therein. (Ord. 4179, Sec. 1, 1976)

**15.03.024 Adult entertainment activities.** "Adult entertainment activities" includes the following uses, activities or establishments:

- (01) Adult bookstores;
- (02) Adult mini-motion picture theaters;
- (03) Adult motion picture theaters;
- (04) Adult motion picture production;
- (05) Artist-body painting studio;
- (06) Escort services;
- (07) Live dancing or entertainment, such as go-go dancing, striptease acts and exotic dancing;
- (08) Modeling studios; and
- (09) Other kindred or related uses, activities or establishments. (Ord. 5033, Sec. 1, 1991)

**15.03.025 Agricultural sales and service.** An establishment engaged in the sale of feed, grain, fertilizers, pesticides, and other similar goods. (Ord. 5282, Sec. 5, 8/26/96)

**15.03.029 Alcoholic beverages.** "Alcoholic beverages" shall mean any beverage which contains alcohol, liquor, spirits, beer, or wine, and every other liquid or solid, patented or not, containing alcohol, liquor, spirits, beer, or wine, and which is susceptible to being consumed by a human being for beverage purposes. (Ord. 4695, Sec. 1, 1986)

**15.03.030 Alley.** "Alley" means a narrow street, public or private, extending through a block and designed primarily for vehicular service access to the rear or side of property which otherwise abuts on another street. (Ord. 3968, Sec.1, 1972)

**15.03.033 Amusement game machine.** "Amusement game machine" means a coin operated machine or device which, whether mechanical, electrical, or electronic, shall be ready for play by the insertion of a coin and may be operated by the public for use as a game, entertainment, or amusement, the object of which is to achieve either a high or low score, which, by comparison to the score of other players whether playing concurrently or not, demonstrates relative skill or competence, or indicates in any other way competitive advantage of one player or team over another, regardless of skill or competence. It shall include devices such as pinball machines or any device which utilizes a video tube to reproduce symbolic figures and lines intended to be representative of real games or activities. (Ord. 4480, Sec. 2, 1983)

**15.03.034 Amusement machine complex.** "Amusement machine complex" means a group of more than four amusements game machines or other amusement machines, in the same place, location, or premises. (Ord. 4480, Sec. 3, 1983)

**15.03.035 Animal production.** The raising of animals or production of animal products, such as eggs or dairy products. Typical uses include grazing, dairy farming, and poultry farming. Animal production shall not mean the use of a site of more than 5,000 square feet as a commercial feedlot for the feeding of livestock or poultry. (Ord. 5282, Sec. 6, 8/26/96)

**15.03.037 Animation.** "Animation" means the movement or the optical illusion of movement of any part of a sign structure, design or pictorial segment thereof, including the movement of any illumination or the flashing, scintillating or varying of light intensity. Animation shall include the automatic changing of all or any part of the facing of a sign, and shall include any sign or part thereof set in motion by movement of the atmosphere. However, animation shall not include time and temperature devices. (Ord. 4482, Sec. 1, 1983)

**15.03.045 Artist-body painting studio.** "Artist-body painting studio" means an establishment or business which provides the services of applying paint or other substance whether transparent or nontransparent to or on the human body while the sexual or genital body parts of the artist or model are not covered by opaque clothing. (Ord. 4232, Sec. 1, 1978)

**15.03.046 Auction.** "Auction" means an establishment, structure, business or location which hosts an auction activity more than three times in any one calendar year. (Ord. 4534, Sec. 1, 1983)

**15.03.047 Automobile repair, major.** The general repair, rebuilding, or reconditioning of engines and engine parts, collision service, body repair, frame straightening, painting, tire recapping and other similar activities, but excluding dismantling or salvage. (Ord. 5369, Sec. 1, 3/9/98)

**15.03.048 Automobile repair, minor.** The repair of automobiles and noncommercial trucks including the sale, installation and servicing of parts. Typical uses include muffler shops, auto repair garages, tire sales and installation, wheel and brake shops and other similar activities, but excluding dismantling or salvage. (Ord. 5369, Sec. 2, 3/9/98)

**15.03.048a Automobile sales and rental.** Establishment or place of business engaged in the storage and display for sale, lease or rental of more than two motor vehicles of any type of trailer (provided the trailer is unoccupied) at any one time and/or a total of ten (10) or more sold, leased or rented during the course of a calendar year and where repair or body work is incidental to the operation of the new or used vehicle sales, leasing or rental. Automobile sales includes all motor vehicle retail sales, leasing or rental, including noncommercial trucks, vans, recreational vehicles, boats, motorcycles or other similar motorized transportation vehicles. The minimum lot area for such an establishment shall be twenty-five thousand (25,000) square feet, except that the minimum lot area shall be 15,000 square feet for an establishment engaged solely in sales of motorcycles, motor scooters, all terrain vehicles and other similar vehicles. (Ord. #6120, Sec. 1, 1/24/11)

**15.03.049 Automobile service establishment.** Establishment or place of business engaged in the service of automobiles and related light equipment. Typical uses include minor automotive repair, car washes, service stations, automotive accessory sales and convenience grocery stores with retail gasoline sales. (Ord. 5369, Sec. 3, 3/9/98)

**15.03.050 Basement.** "Basement" means that portion of a building between the floor and ceiling which is partly below and partly above (established) grade, so located, however, that the vertical distance from said grade to the floor below is less than the vertical distance from the grade to the ceiling. (Ord. 3968, Sec. 1, 1972)

**15.03.055 Bed and breakfast.** "Bed and breakfast" means a dwelling for which transient lodging is provided for roomers for compensation. The number of rooming units shall not exceed six (6). Rooming units shall not be used for cooking or eating of meals. Meals may be served to overnight guests and private groups by reservation only." (Ord. 5185, Sec. 1, 10/24/94)

**15.03.060 Billboard.** "Billboard" means a structure especially constructed for the display and/or advertising of characters, posters and other materials attached to the surface of such structure and commonly referred to as a poster board together with such other structures of a similar nature on which the advertising or display is painted and which are commonly referred to as paint boards, the area of which is in excess of seventy-two square feet. (See Section 3.10.010 of Chapter 3.10 Billboards and Bulletin Boards). (Ord. 3968, Sec. 1, 1972)

**15.03.070 Board of Adjustment.** "Board of adjustment" means the board of adjustment of the city of Council Bluffs, Iowa, as established by the Code of Iowa and this title. (Ord. 3968, Sec. 1, 1972)

**15.03.080 Boarding, lodging, rooming house, or bed and breakfast.** "Boarding, lodging, rooming house, or bed and breakfast" means a rooming house as defined in Chapter 17.01. (Ord. 5185, Sec. 2, 10/24/94)

**15.03.090 Building.** Any structure used or intended for supporting or sheltering any human use or occupancy. (Ord. 5222, Sec. 2, 6/12/95)

**15.03.100 Building code.** "Building code" means the current Uniform Building Code, as adopted by the city of Council Bluffs, Iowa. (Ord. 3968, Sec. 1, 1972)

**15.03.110 Building official.** "Building official" means the chief building official of the city of Council Bluffs, Iowa. (Ord. 3968, Sec. 1, 1972)

**15.03.113 Business goods and service establishment.** Establishment or place of business engaged in the sale, rental repair of equipment, supplies and material or provision of services to office, professional and service establishments but excluding construction and farm equipment and adult entertainment activities. Typical uses include advertising and public relations firms, building maintenance services, commercial art and photography studios, collection and consumer credit reporting agencies, computer services and data processing, photo copying and reproduction services, office equipment and supply, production facilities for radio, television and motion pictures medical and dental laboratories and research and development laboratories. (Ord. 5369, Sec. 4, 3/9/98)

**15.03.114 Business, professional office.** Use of a site or premise for business, professional, or administrative offices. General offices are characterized by a low proportion of vehicle trips attributable to visitors or clients in relation to employees. Typical uses include real estate, insurance, state licensed medical professions, legal, architecture and engineering, accounting, and other professional offices. (Ord. 5303, Sec. 2, 12/96)

**15.03.115 Carport.** "Carport" means a partially enclosed accessory structure attached to the principal building, intended for and used for the parking of the vehicles of the occupants of the premises. A carport shall not be construed to be a porch. (Ord. 4391, Sec. 1, 1981)

**15.03.120 Cellar.** "Cellar" means that portion of a building between the floor and ceiling which is wholly or partly below (established) grade, and so located that the vertical distance from said grade to the floor below is equal to or greater than the vertical distance from said grade to the ceiling. (Ord. 3968, Sec. 1, 1972)

**15.03.125 Cemetery.** Land used or intended to be used for the disposal and interment of deceased persons and dedicated for cemetery purposes. The term includes columbarium, crematories and mausoleums when operated in conjunction with and within the boundaries of such cemetery. (Ord. 5222, Sec 3, 6/12/95)

**15.03.126 Chemical plant.** A site that manufactures, or otherwise processes chemicals. The general objective of a chemical plant is to create new material by chemical of biological transformation and or separation of materials from chemicals or chemical byproducts. (Ord. 5956, Sec. 1, 12/10/07)

**15.03.130 City.** "City" means the city of Council Bluffs, Iowa. (Ord. 3968, Sec. 1, 1972)

**15.03.140 City clerk.** "City clerk" means the city clerk of the city of Council Bluffs, Iowa. (Ord. 3968, Sec. 1, 1972)

**15.03.150 City council.** "City council" means the city council of the city of Council Bluffs, Iowa. (Ord. 3968, Sec. 1, 1972)

**15.03.155 City planning commission.** The planning and zoning advisory commission of the city of Council Bluffs, Iowa. (Ord. 5222, Sec. 4, 6/12/95)



**15.03.155a Club or lodge.** A use providing meeting, recreational, or social facilities for a private, non-profit or non-commercial association, primarily for use by members. Typical uses include social clubs and fraternal organizations. (Ord. 5457, Sec. 2, 7/99)

**15.03.156 Commercial recreation (indoor).** Businesses and organizations engaged in the provision of sports, entertainment, or recreation within an enclosed or screened building. Typical uses include bowling alleys, billiard parlors, skating rinks, amusement machine complex, racquetball, swimming, tennis, and exercise/fitness centers. (Ord. 5282, Sec 7, 8/26/96)

**15.03.157 Commercial recreation (outdoor).** Businesses and organizations engaged in the provision of sports, entertainment, or recreation in an open or partially enclosed or screened facility. Typical uses include skating rinks, swimming pools, tennis, driving ranges, miniature golf, and golf courses and the structures associated with its operation. (Ord. 5282, Sec. 8, 8/26/96)

**15.03.158 Commercial storage.** Storage services primarily for personal items and household goods within enclosed storage areas having individual access but excluding use of areas as workshops, hobby shops, manufacturing, or commercial activities. (Ord. 5303, Sec. 3, 12/96)

**15.03.159 Common open space.** Undivided land in a subdivision or development which is jointly owned by all property owners of the subdivision or development, for the enjoyment and benefit of the owners and occupants of the individual building sites of said development. (Ord. 5303, Sec. 4, 12/96)

**15.03.159a Communication tower.** A structure principally intended to support transmitting and/or receiving antennas and accessory equipment related to communications. (Ord. 5457, Sec. 2, 7/99)

**15.03.160 Community development department.** The community development and planning department of the city of Council Bluffs, Iowa. (Ord. 5222, Sec. 5, 6/12/95)

**15.03.161 Community development director.** The director of the community development department of the city of Council Bluffs, Iowa. (Ord. 5222, Sec. 6, 6/12/95)

**15.03.163 Community recreation services.** A recreational facility for use by residents and guests of a particular residential development, residential estates subdivision or planned unit development, including both indoor and outdoor facilities, which are located within or adjacent to such development. (Ord. 5222, Sec. 7, 6/12/95)

**15.03.166 Comprehensive plan.** The adopted comprehensive or master land use plan of the city of Council Bluffs, Iowa. (Ord. 5222, Sec. 8, 6/12/95)

**15.03.170 Conditional use.** "Conditional use" means the use to which the land or property may be put which is one other than the outright main or principal use in existence or specifically designated therefore, as provided by this title. (Ord. 3968, Sec. 1, 1972)

**15.03.170a Congregate housing.** A residential facility for four or more persons, with individual living/ sleeping facilities and typically offering meal preparation, dining areas, laundry service, medication administration, housekeeping and common recreational, social and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the facility. (Ord. 5916, Sec. 1, 02/26/07)

**15.03.171 Construction, actual.** "Actual construction" means the placing of construction materials in permanent position and fastened in a permanent manner, or, where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed actual construction, provided that work shall be carried on diligently. (Ord. 4334, Sec. 1, 1980)

**15.03.172 Consumer service establishment.** "Consumer service establishment" means a store, shop or office providing personal, financial, professional, technical or repair service, and assistance or advice to individual customers, including but not limited to the following:

- (01) Accountants;
- (02) Appliance repair and rental;
- (03) Architects;
- (04) Arts and crafts studio;
- (05) Attorneys;
- (06) Banks, savings and loans, and credit unions;
- (07) Barber shops and beauty shops;
- (08) Dressmakers and tailors;
- (09) Insurance agencies;
- (10) Laundry and dry cleaning pick -up stations;
- (11) Loan offices;
- (12) Locksmiths;
- (13) Management consultants;
- (14) Medical office or clinic for people;
- (15) Musical instrument repair shop;
- (16) Pet shops;
- (17) Photographers' studios;
- (18) Print shop;
- (19) Real estate office;
- (20) Self-service automatic dry cleaning establishment of not more than ten cleaning units;
- (21) Self-service automatic laundry of not more than thirty washing units;
- (22) Shoe repair;
- (23) Taxidermist shops;
- (24) Travel agencies;
- (25) Upholstering shops; and
- (26) Watch repair.

**(b) "Consumer service establishment"** shall not be construed or interpreted to include any adult entertainment activities. (Ord. 4695, Sec. 4, 1986)

**15.03.172a Contractor shop.** Establishment engaged in construction activities including office and/or shop facilities with no exterior storage of material and equipment. Typical uses include electrical, carpentry, heating and air conditioning and plumbing contractor shops. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.172b Contractor yard.** Establishment engaged in construction activities including incidental exterior storage of building material and equipment related to the primary building trade. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.173 Correctional placement residence.** "Correctional placement residence" means a residential facility occupied by three or more persons who have been convicted of public offenses and who have been released to such facility during any period of:

- (a) Probation, or
- (b) Work release while serving a sentence in a correctional institution, or
- (c) Assignment to the judicial district department of correctional services after receiving a deferred sentence. (Ord. 4458, 1, 1983)

**15.03.175 Cultural service.** Library, museum, or similar registered non-profit organization displaying, preserving, and exhibiting objects of community or cultural interest. (Ord. 5303, Sec. 5, 12/96)

**15.03.176 Data center.** A facility, or facilities, that house digital electronic equipment for a web search portal; Internet access, search, and navigation; research and development; Internet site hosting; electronic data storage and transfer; credit card and financial transaction processing; telecommunications; and other activities that support the electronic information-based economy. (Ord. 5956, Sec. 2, 12/10/07)

**15.03.180 Day care services.** A facility which receives for temporary care, six or more individuals during part of the 24 hour day. The term includes nursery schools, preschools, day care centers for children or adults, and similar uses. (Ord. 5222, Sec. 10, 6/12/95)

**15.03.185 Destruction.** "Destruction" means damage to a structure to an extent of more than fifty percent of the replacement cost of such structure at the time of destruction. (Ord. 4334, Sec. 2, 1980)

**15.03.186 Detention facility.** A publicly operated facility which houses and cares for individuals legally confined and designed to isolate those individuals from the surrounding community. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.188 Drive-in services.** "Drive-in services" are services which involve the sale of products or provision of services to occupants in vehicles." (Ord. 4695, Sec. 5, 1986)

**15.03.190 Dwelling.** Building or portion thereof which is designed and used for residential purposes. (Ord. 5303, Sec. 6, 12/96)

**15.03.210 Dwelling, two family.** A detached building designed or constructed to contain two individual dwelling units. (Ord. 5303, Sec. 8, 12/96)

**15.03.220 Dwelling, multi-family.** Building or buildings designed and constructed to contain three or more individual dwelling units. (Ord. 5303, Sec. 9, 12/96)

**15.03.230 Dwelling, single family detached.** An independent building designed or constructed to contain one dwelling unit which is located on one lot, with no physical or structural connection to any other dwelling unit. Each unit shall have a floor area of not less than 500 square feet and a minimum width of not less than twenty (20) feet. (Ord. 5303, Sec. 10, 12/96)

**15.03.235 Dwelling, single family attached.** A building designed or constructed to contain one independent dwelling unit which is located on one lot and is attached by a common vertical wall to only one other adjacent dwelling unit. Each unit shall have a floor area not less than 500 square feet and a minimum width of not less than twenty (20) feet. (Ord. 5303, Sec. 11, 12/96)

**15.03.236. Dwelling, townhouse.** Two to four individual dwelling units having a common vertical wall with its own access and with at least two exposed exterior walls. Each townhouse unit shall not be located above nor below any other dwelling units. (Ord. 5303, Sec. 12, 12/96)

**15.03.237 Electric utility generation facility.** A facility governed by the siting requirements of either Chapter 476 or 476A of the Iowa Code, or an unregulated facility which generates electricity, together with associated ash ponds, coal piles and other associated facilities and premises incidental to the operation and maintenance thereof, including but not limited to those necessary or desirable to meet future energy, environmental or endangered species requirements. (Ord. 5956, Sec. 3, 12/10/07)

**15.03.250 Emergency shelter and homeless service center.** A facility managed by a public or non-profit agency providing emergency shelter for homeless individuals. This shall include other accessory uses, including transitional housing, meal sites with food preparation and other supportive services necessary to supervise, counsel and assist homeless and near homeless individuals. (Ord.5819, Sec. 1, 2004)

**15.03.260 Employee.** "Employee" means a person employed by another or a firm, etc., for wages or salary. (Ord. 3968, Sec. 1, 1972)

**15.03.263 Enlarge.** "Enlarge" means the acquisition or addition of land to the premises upon which is located an existing use or structure, the addition of floor space to an existing structure, or the addition of accessory uses and/or structures to a premises upon which is located an existing principal use or structure. (Ord. 4334, Sec. 3, 1980)

**15.03.264 Equipment repair.** Repair of trucks, semi-trailers, tractors, construction equipment and similar heavy equipment. Typical uses include truck repair garages, tractor and farm implement repair services. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.265 Equipment sales and rental.** Sale or rental of trucks, tractors, construction equipment, agricultural implements and similar heavy equipment. Typical uses include truck dealerships and construction equipment dealers. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.266 Extend.** "Extend" means the use of additional land within an existing parcel, or additional floor space or floors within an existing structure for the principal or any accessory use thereof. (Ord. 4334, Sec. 4, 1980)

**15.03.267 Extraction.** The extraction of sand, gravel, top soil or other natural material as a commercial operation exclusive of the process of grading a lot preparatory to development or construction of building. (Ord. 5282, Sec. 9, 8/26/96)

**15.03.271 Family home.** A community-based residential home licensed:

01. as a residential care facility under Iowa Code Chapter 135C; or
02. as a child foster care facility under Iowa Code Chapter 237; or
03. as an elder family home under Iowa Code Chapter 231A; or
04. as an elder group home under Iowa Code Chapter 231B; or
05. as a residential care facility under Iowa Code Chapter 135C for not more than eight developmentally disabled persons and any necessary support personnel; or
06. as a child foster care facility licensed under Iowa Code Chapter 237 for not more than eight developmentally disabled children and any necessary support personnel; or
07. and designated under Iowa law as a 'family home'
08. Family home does not mean an individual foster care home licensed under Iowa Code Chapter 237. A family home shall be a permitted use in all residential zoning districts; however, new family homes owned and operated by public or private agencies shall not be located within contiguous city block areas. (Ord. 5222, Sec. 16, 6/12/95).
09. A residential home accredited and/or certified by the Iowa Department of Human Services, but not required to be licensed as a health care facility under Iowa Code 135C.6. The home shall provide care for not more than four individuals under a Home and Community Based Service (HCBS) waiver program for persons with mental retardation or other medical assistance programs provided for under Iowa Code Chapter 249A. (Ord. 6039, Sec. 1, 8/24/09).

**15.03.272 Financial service.** Establishment engaged in the receipt, exchange, loan, custody or issuance of money, extension of credit or facilitation of the transfer of funds to consumers or clients. Typical uses include banks, savings and loan associations, savings banks and credit unions. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.273 Firing Range.** A commercial establishment or use designed for the discharge of ordnance devices which throw a projectile. (Ord. 5282, Sec 10, 8/26/96)

**15.03.280 Floodway.** The channel of a river or other watercourse and the adjacent land area which must be reserved in order to discharge the flows from a base flood without cumulatively increasing the water surface elevation more than one foot at any point. The designated floodway shall be based on those areas delineated on the flood boundary and floodway map issued by Federal Emergency Management Agency (FEMA). (Ord. 5282, Sec. 11, 8/26/96)

**15.03.285 Funeral service.** Establishment engaged in undertaking services such as preparing the human dead for burial, arranging funeral services and managing funerals. Typical uses include funeral homes or mortuaries. (Ord. 5457, Sec. 2, 7/99)

**15.03.290 Garage, private.** "Private garage" means an enclosed accessory structure intended for and used for the parking of the vehicles of the occupants of the premises. (Ord. 4392, Sec. 1, 1981)

**15.03.300 Garage, public.** "Public garage" means a building other than a private garage used for the care and repair of motor vehicles or where such vehicles are parked or stored for compensation, hire or sale. (Ord. 3968, Sec. 1, 1972)

**15.03.303 General government use.** Facilities owned and operated by a public agency accommodating administrative offices, recreation and public assembly. Typical uses include community auditoriums, convention facilities, government offices and postal facilities. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.305 Governmental maintenance facility.** A storage, repair and maintenance facility for public works vehicles, materials and equipment. (Ord. 5282, Sec. 12, 8/26/96)

**15.03.310 Grade (ground level).** "Grade" (ground level) means the average of the finished ground level at the center of all walls of the building. In cases parallel to and within five feet of a sidewalk, the ground level should be measured at the sidewalk. (Ord. 3968, Sec. 1, 1972)

**15.03.312 Greenhouse, commercial.** Establishment engaged in the propagation and growth of plant material for gardening and landscaping purposes, intended for wholesale or retail sale. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.315 Gross floor area ratio.** "Gross floor area ratio" means that ratio derived by dividing the gross floor area of a building or buildings on any zoning lot by the net lot area of such lot. When used in this title, the floor ratio multiplied by the lot area in question produces the maximum amount of gross floor area that may be constructed on such lot. (Ord. 4481, Sec. 1, 1983)

**15.03.320 Group care home.** "Group care home" means a boarding, lodging or rooming house operated by a nonprofit corporation, which provides shelter and personal care or counseling to families or individuals on a temporary emergency basis not to exceed ninety days per roomer. However, the term shall not include any home which is required to be licensed pursuant to any state regulation. (Ord. 4570, Sec. 1, 1984)

**15.03.330 Height of building.** "Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof. (Ord. 3968, Sec. 1, 1972)

**15.03.335 Historic preservation commission.** The commission established by Title 16 - Historic Preservation of the Municipal Code of the city of Council Bluffs, Iowa. (Ord. 5553, Sec. 1, 3/26/01)

**15.03.340 Home occupation.** Any activity operated for pecuniary gain in or directed from a residential dwelling and carried on by the inhabitants therein, and no others, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the residential character of the lot on which the home occupation is located or of the surrounding neighborhood as further specified in Chapter 15.24. (Ord. 6127, Sec. 1, 5/9/11)

**15.03.345 Horticultural and crop production.** The growing of horticultural materials such as flowers, shrubs, or trees intended for ornamental or landscaping purposes and the raising or harvesting of tree, row, or field crops. (Ord. 5282, Sec. 13, 8/26/96)

**15.03.350 Hospital.** "Hospital" means an establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis. (Ord. 3968, Sec. 1, 1972)

**15.03.360 Hotel/motel.** An establishment engaged in the provision of transient lodging for compensation. (Ord. 5457, Sec. 1, 7/99)

**15.03.362a Kennel, commercial.** A place or establishment engaged in the for-profit business of buying, selling, breeding or boarding, including day care services, for five or more dogs, cats or other similar small animals of the same species over six months old. A commercial kennel/cattery license from the city is required. (Ord. 5553, Sec. 3, 3/26/01)

**15.03.362b Kennel, non-commercial.** A person who buys, keeps, owns, harbors or breeds five or more dogs, cats or other similar small animals over six months old, who does not engage in commercial activity relating to those animals. A non-commercial kennel/cattery license from the city is required. (Ord. 5553, Sec. 4, 3/26/01)

**15.03.363 Land-lease community.** Any site, lot, field, or tract of land under common ownership upon which ten or more occupied manufactured homes or modular homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, or enclosure used or intended for use as part of the equipment of the land-leased community. A land-leased community shall not be construed to include homes, building, or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. (Ord. 5495, Sec. 1, 2/28/00)

**15.03.364 Life care facility.** A transitional residential facility for elderly or disabled persons, progressing from independent living, to congregate housing to nursing home care. (Ord. 5916, Sec. 2, 2/26/07)

**15.03.365 Local utility services.** Overhead or underground services generally involving structures such as buildings, substations, pumping stations, poles, wires, manholes, switchgear, ducting, piping, hydrants, valveing and other small facilities necessary to support principal development. (Ord. 5222, Sec. 20, 6/12/95)

**15.03.370 Lot.** "Lot" means a parcel of land of at least a sufficient size to comply with the minimum zoning requirements for use, coverage, area, setbacks, open space and frontage. Frontage shall be on an improved public street or an approved private street and may consist of:

- a) single lot of record;
- b) a portion of a lot of record;
- c) a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record; and
- d) a parcel of land described by metes and bounds description. However, that in no case of division or combination shall any residual lot be created which does not meet the requirements of this title. In no case shall a parcel of land conveyed under a lease be construed as a buildable lot unless said parcel has been platted as a lot in a recorded subdivision plat or has been included in an approved planned commercial or residential development. (Ord. 4948, Sec. 1, 5/7/90)

**15.03.380 Lot area.** "Lot area" means that total horizontal area within the lot lines of a lot. (Ord. 3968, Sec. 1, 1972)

**15.03.390 Lot, corner.** "Corner lot" means a lot abutting on two intersecting streets other than an alley; provided that the streets do not intersect at an angle greater than one hundred thirty-five degrees. (Ord. 3968, Sec. 1, 1972)

**15.03.400 Lot depth.** "Lot depth" means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line. (Ord. 3968, Sec. 1, 1972)

**15.03.410 Lot, interior.** "Interior lot" means a lot other than a corner lot. (Ord. 3968, Sec. 1, 1972)

**15.03.420 Lot line.** "Lot line" means the property line bounding a lot. (Ord. 3968, Sec. 1, 1972)

**15.03.430 Lot line, front.** "Front lot line," in the case of an interior lot, means the lot line separating the lot from the street other than an alley; in the case of a corner lot, "front lot line" means the shortest lot line along a street other than an alley. (Ord. 3968, Sec. 1, 1972)

**15.03.440 Lot line, rear.** "Rear lot line" means a lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other odd-shaped lot, a line ten feet in length within the lot parallel to and at the maximum distance from the front line. (Ord. 3968, Sec. 1, 1972)

**15.03.450 Lot line, side.** "Side lot line" means any lot line not a front or rear lot line. (Ord. 3968, Sec. 1, 1972)

**15.03.455 Lot of record.** "Lot of record" means land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the office of the recorder of Pottawattamie County, Iowa, or a parcel recorded in the office of the recorder of Pottawattamie County, Iowa, prior to the adoption of this title. (Ord. 4334, Sec. 5, 1980)

**15.03.456 Lot width.** The horizontal distance between the side lot line ordinarily measured parallel to the front lot line. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.457 Manufactured home.** A factory-built structure built under authority of 42 U.S.C., Section 5403, which is required by federal law to display a seal from the U.S. Department of Housing and Urban Development and was constructed on or after June 15, 1976. (Ord. 5495, Sec. 2, 2/28/00)

**15.03.460 Manufacturing, general.** Establishment engaged in the processing, manufacturing, compounding, assembly, package, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration or air pollution effects across property lines. Such uses will include the manufacture processing and packaging of food and kindred items, asphalt, stone, clay, glass, plastic, paper, cement and other products, welding shops, sawmills, petroleum storage and distribution, foundries and storage of chemicals. (Ord. 5369, Sec. 5, 3/9/98)



**15.03.461 Manufacturing, heavy.** Enterprise engaged in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines. Such uses may include the storage of, or processing of potentially hazardous, explosive, flammable, radioactive or hazardous materials. Typical uses include the manufacture of acetylene gas, acid, alcohol, ammonia, chlorine, sodium compounds, or other chemical compounds, petroleum and petroleum products distillation, manufacture of explosives and fertilizers, smelting and stockyards. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.462 Manufacturing, light.** Establishment engaged in the manufacture of processing of finished products/ducts from previously prepared materials. Such uses will include processing, fabrication, assembly, packaging and distribution of products with limited incidental storage. Typical uses include bakeries, bottling plants, publishing houses, warehousing and distribution, assembly of electronic and metal products, frozen food lockers, garment manufacturing, optical goods, pharmaceutical manufacture and printing. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.463 Marina.** "Marina" means a retail business which is located adjacent to a navigable body of water and which has as its purpose to supply to boaters using the navigable waters goods or services including but not limited to the sale of gasoline, oil, and other lubricants for use in boats; the sale of boats, boat motors, and boat parts; the sale of groceries; the servicing and repair of boats and boat motors; and boat docking and boat storage. (Ord. 4513, Sec. 1, 1983)

**15.03.469 Mixed commercial/residential structure.** "Mixed commercial/residential structure" means a building with two or more stories containing at least one dwelling unit to be used as a permanent residence and containing permitted commercial uses on at least the ground floor. Dwelling units shall, as a minimum standard, meet the requirements of the Uniform Building, Plumbing, Mechanical and Fire Codes and the National Electrical Code as adopted in Titles 12 and 13 of the 1980 Municipal Code of Council Bluffs, Iowa. (Ord. 4454, Sec. 1, 1983)

**15.03.470 Mobile home.** Any vehicle without motive power used or so manufactured or constructed as to permit its being used as a conveyance upon the public streets and highways and so designed, constructed, or reconstructed as will permit the vehicle to be used as a place for human habitation by one or more persons; but shall also include any such vehicle with motive power not registered as a motor vehicle in Iowa. A mobile home was not built to mandatory building code, contains no state or federal seals, and was built before June 15, 1976. (Ord. 5495, Sec. 4, 2/28/00)

**15.03.480 Mobile home park.** A site, lot, field, or tract of land upon which three or more mobile homes, manufactured homes, or modular homes, or a combination of any of these homes are placed on developed spaces and operated as a for-profit enterprise with water, sewer or septic, and electric services available. Mobile home park shall not be construed to include mobile homes, buildings, tents or other structures temporarily maintained by any individual, educational institution or company on their own premises and used exclusively to house their own labor or students. (Ord. 5495, Sec. 5, 2/28/00)

**15.03.485 Modeling studio.** "Modeling studio" means an establishment or business which provides the services of modeling for the purpose of reproducing the human body by means of photography, painting, sketching, drawing or otherwise while the sexual or genital body parts of the artist or model are not covered by opaque clothing. (Ord. 4232, Sec. 1, 1978)

**15.03.486 Modular home.** A factory-built structure manufactured to be used as a place of human habitation which is constructed to comply with the Iowa State Building Code for Modular Factory-Built Structures, and must display the seal issued by the State Building Code Commissioner. (Ord. 5495, Sec. 3, 2/28/00)

**15.03.510 Nonconforming structure.** "Nonconforming structure" means a lawful existing structure in existence at the time of the passage of this title that could not be built under the terms of this title by reason of requirements on area, lot coverage, setbacks, and height. (Ord. 5035, Sec. 1, 1991)

**15.03.515 Nonconforming use.** "Nonconforming use" means a lawful existing use in existence at the time of the passage of this title that would not be permitted under the terms of this title. (Ord. 5035, Sec. 2, 1991)

**15.03.520 Nursing home.** Residential convalescent services offering care and in-patient services for persons requiring regular medical attention, but excluding facilities providing surgical or emergency medical services, in-patient mental health treatment and also facilities exclusively for the care of alcoholism, drug addiction or communicable disease. (Ord. 5916, Sec. 3, 2/26/07)

**15.03.523 Occupant.** "Occupant" means the person or entity lawfully in custody or control of any premises or parcel, or portion thereof, whether pursuant to contract, lease, license, or other legally cognizable interest therein. (Ord. 4334, Sec. 7, 1980)

**15.03.526 Owner.** "Owner" means any person, individual, firm, association, partnership, corporation, or any other legal entity in whom is vested the title to real estate or an undivided interest therein, except that, where there is both a legal owner and an equitable owner as to the same real estate, then "owner" means both the equitable owner and the legal owner; where there is a life estate with vested remaindermen, then "owner" means both the life tenant and the vested remainderman. The term shall not include any option holder, lessee, mortgagee, or assignee for security purposes. (Ord. 4465, Sec. 1, 1983)

**15.03.528 Park and recreation services.** Publicly owned and operated parks, playgrounds, golf courses, recreation facilities and open spaces. (Ord. 5222, Sec. 24, 6/12/95)

**15.03.529 Persons.** Every natural person, firm, partnership, association, or corporation. (Ord. 5222, Sec. 25, 6/12/95)

**15.03.530 Philanthropic institution.** "Philanthropic institution" means a benevolent or charitable organization not organized nor existing for profit, exclusive of mental institutions. (Ord. 3968, Sec. 1, 1972)

**15.03.570 Porch.** "Porch" means a roofed projection which is principally designed and used as a main entrance to a dwelling(s) and which roofed projection has not more than the upper fifty percent of each outside wall, other than the principal building wall, enclosed by a material other than mesh screen. A carport shall not be considered to be a porch. (Ord. 4392, Sec. 2, 1981)

**15.03.575 Premises.** "Premises" means a parcel or tract of land with the building(s) or other appurtenances thereon. (Ord. 4334, Sec. 9, 1980)

**15.03.580 Principal or main use.** "Principal or main use" means the purpose for which land, a building or structure thereon is, under the provisions of this title, authorized to be occupied or maintained. (Ord. 3968, Sec. 1, 1972)

**15.03.582 Public safety services.** A facility for police and fire protection services and emergency medical and ambulance services. (Ord. 5222, Sec. 29, 6/12/95)

**15.03.584 Radio signal.** "Radio signal" means electrically generated currents phenomena, or signals of frequencies between 15,000 cycles per second and 10(11) cycles per second. (Ord. 4305, Sec. 1, 1979)

**15.03.585 Recreational vehicle.** A vehicle which is towed or self propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary use, recreational, or sport purposes. Recreational vehicles include, but are not limited to travel trailers, campers, motor coach homes and converted buses and trucks. (Ord. 5282, Sec. 3, 8/26/96)

**15.03.586 Recreational vessel.** All manner of watercraft, other than a seaplane on water, whether impelled by wind, oars, or mechanical devices, and which is designed primarily for recreational or vacation uses. Recreational vessels include but are not limited to boats, boat trailers, and snowmobiles. (Ord. 5282, Sec. 4, 8/26/96)

**15.03.587 Religious Assembly.** A place where religious services are conducted including accessory educational activities. (Ord. 5282, Sec. 14, 8/26/96)

**15.03.591 Restaurant.** "Restaurant" means a use engaged in the preparation and sale of food and beverages, including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than fifty percent (50%) of the establishment's gross income.

01. Restaurant (Drive-in or Fast Food). A restaurant which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and accommodation and short stays by customers.
02. Restaurant (Limited). A restaurant normally housed in a space under 5,000 square feet and characterized by sit down service to customers. Typical uses include coffee shops, cafes, and other similar uses.
03. Restaurant (General). A restaurant normally housed in a space over 5,000 square feet and characterized by sit-down service to customers.

(Ord. 4695, Sec. 3, 1986)

**15.03.592 Retail shopping establishment.**

**(a) "Retail shopping establishment"** means a store or shop engaged in the sale of commodities or goods to individual consumers for personal use rather than for resale, including but not limited to the following:

- (01) Antique stores;
- (02) Appliance, television and radio sales;
- (03) Art galleries, commercial;
- (04) Art supplies;
- (05) Auto parts and accessory stores, including the machining of parts as an accessory use, but not including in-vehicle installation facilities;
- (06) Bakeries;
- (07) Bicycle sales and repair shop;
- (08) Bookstores;
- (09) Candy and ice cream stores;
- (10) Clothing, clothing accessories and dry goods;
- (11) Department stores;
- (12) Drug stores;
- (13) Floor coverings;
- (14) Florists;
- (15) Furniture stores;
- (16) Greenhouse;
- (17) Gift and card shop;
- (18) Grocery, delicatessen and specialty food store;
- (19) Hardware, paint and wallpaper stores;
- (20) Jewelry, leather goods and luggage stores;
- (21) Lawn and garden supply (including nursery stock) stores;
- (22) Meat market, retail, provided that no killing, eviscerating, skinning, plucking, or smoking of food products occurs on the premises;
- (23) Music stores;
- (24) News and tobacco stores;
- (25) Photographic equipment and supplies;
- (26) Rental of small tools for household use;
- (27) Shoe stores;
- (28) Sporting goods;
- (29) Toy and hobby stores; and
- (30) Variety stores.

**(b) "Retail shopping establishment"** shall not be construed or interpreted to include any adult entertainment activities. (Ord. 4488, Sec. 5, 1983)

**15.03.593 Rubble Dump.** "Rubble dump" means any land, premises, or property used for the storage of rubble. For purposes of this title, rubble shall mean stone, brick, or similar inorganic material with a minimum dimension greater than 12 inches.

**15.03.594 Salvage operation.** Establishment engaged in the storage, sale, dismantling or other processing of used or waste materials which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junk yards, salvage yards and scrap processing yards. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.595 School.** "School" means all schools, public or non-public, at all levels from prekindergarten level through grade twelve, which meet the requirements of the State Board of Public Instruction, said school to include the buildings and all land contiguous to said buildings. (Ord. 4202, Sec. 1, 1977: Ord. 4179, Sec. 1, 1976)

**15.03.597 Semi-truck trailer.** "Semi-truck trailer" means a vehicle without motor power, designed for carrying goods, and being drawn by a motor truck, and constructed so some part of its weight rests upon another vehicle, being of metal construction, having a completely enclosed body, and being duly licensed by the state of Iowa. (Ord. 4202, Sec. 1, 1977: Ord. 4172, Sec. 1, 1976)

**15.03.598 Sexual or genital body parts.** "Sexual or genital body parts" means the genitals, pubic area, buttocks, anus, or perineum of any person or that part of the human female breast which includes the nipple or any portion below the nipple. (Ord. 4232, Sec. 1, 1978)

**15.03.600 Sign.** "Sign" means a presentation or representation by words, letters, figures, designs, pictures, or color (including its board, metal, or other supporting surface), publicly displayed upon a building, vehicle, structure, person or parcel of land, so as to convey information or give notice about a person, business, merchandise, service, place, activity, assemblage, solicitation or request for air, or a political idea. (Ord. 4690, Sec. 1, 1986)

**15.03.605 Specified anatomical areas.** "Specified anatomical areas" means less than completely or opaquely covered (a) human genitals, pubic region; (b) buttock; and (c) female breast below a point immediately above the top of the areola; also, human male genitals in a discernibly turgid state, even if completely and opaquely covered. (Ord. 4179, Sec. 1, 1976)

**15.03.606 Specified sexual activities.** "Specified sexual activities" means human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other erotic touching of human genitals, pubic region, buttock or female breast. (Ord. 4179, Sec. 1, 1976)

**15.03.608 Stoop, enclosed.** "Enclosed stoop" means a roofed projection which is principally designed and used as an entrance to a dwelling(s), and which roofed projection has exterior dimensions no greater than five feet by five feet, and which roofed projection has no more than the upper fifty percent of each outside wall, other than the principal building wall, enclosed by a material other than mesh screen or glass. (Ord. 4391, Sec. 2, 1981)

**15.03.608a Storage.** Non-transitory, semi-permanent or long-term containment, holding, leaving or placement of goods or materials, with the intention of retrieving them at a later time. It does not include the interim accumulation of a limited amount during processing, maintenance or repair. (Ord. 6131, Section 1, 6/27/11)

**15.03.609 Storage yard.** A facility engaged in the surface storage of operating or non-operating vehicles, other large items and containers for storing or collecting goods or material while awaiting sale, resale, transfer, redemption or use, excluding dismantling or salvage. The yard shall have a defined boundary and be hard-surfaced throughout. Licensing by the Health Department may be required. Typical uses include sales lots, automobile auctions, transfer facilities, container storage and impound lots. (Ord. 5513, Sec. 1, 7/24/00)

**15.03.610 Story.** "Story" means that portion of a building or structure included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building or structure included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above established grade, such basement or cellar shall be considered a story. (Ord. 3968, Sec. 1, 1972)

**15.03.620 Street.** "Street" means the entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and for the placement of utilities and inclusive of the terms "drive," "road," "highway," "lane," "place," "avenue," "alley," or similar designations. (Ord. 3968, Sec. 1, 1972)

**15.03.630 Structure.** An edifice or building of any kind, which is built or constructed, or any piece of work artificially built up or composed of parts joined together in some definite manner. (Ord. 5222, Sec. 30, 6/12/95)

**15.03.640 Structural alteration.** "Structural alteration" means any change to the supporting members of a structure, inclusive of foundation, bearing walls, or partitions, columns, beams or girders or any structural changes in the roof of same. (Ord. 3968, Sec. 1, 1972)

**15.03.643 Tattooing.** The process of injecting dyes into the epidermal layer of skin of an individual, by one qualified to perform such acts as licensed by the state of Iowa. (Ord. 5553, Sec. 10, 3/26/01)

**15.03.644 Tattoo Parlor.** An establishment engaged in the for-profit practice of tattooing, as defined by Section 15.03.643 of this Chapter. (Ord. 5553, Sec. 11, 3/26/01)

**15.03.645 Tavern.** "Tavern" means a use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including bars, cocktail lounges, and similar uses other than a restaurant as described in Section 15.03.591 of this Title. (Ord. 4695, Sec. 2, 1986)

**15.03.646 Tool or storage shed.** "Tool or storage shed" means an enclosed accessory structure for the keeping of items, equipment, vehicles, trailers, or materials for a longer duration than day-to-day use. (Ord. 4391, Sec. 3, 1981)

**15.03.647 Transfer of interest.** "Transfer of interest" means the conveyance of a premises by deed, the sale of a premises by contract or the lease of a premises, except residential leases. (Ord. 4334, Sec. 10, 1980)

**15.03.650 Travel trailers.** "Travel trailers" means any one of a variety of temporary recreational portable housing units designed to be used principally as a temporary vacation dwelling, which can be operated independently of utility connections, is limited in width to eight feet, in length to thirty-two feet, and which can be towed by an automobile. (Ord. 3968, Sec. 1, 1972)

**15.03.651 Truck service establishment.** A facility engaged in rendering service especially to trucks and related heavy equipment, including sales of fuel, lubricants, parts and accessories, parking, equipment repair, retail sales, restaurants and lodging. Typical uses include truck stops. (Ord. 5513, Sec. 2, 7/24/00)

**15.03.652 Truck terminal.** A facility for the receipt, transfer, short term storage and dispatching of goods transported by truck. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.660 Use.** "Use" means the purpose for which land, a building or structure is designed, arranged or intended or for which it is occupied or maintained. (Ord. 3968, Sec. 1, 1972)

**15.03.670 Variance.** "Variance" means the use of which land, a building or structure may be authorized to be put, other than the outright, principal use in existence or hereunder authorized by law. (Ord. 3968, Sec. 1, 1972)

**15.03.675 Vehicle or vessel.** "Vehicle or vessel" means any device for conveyance of passengers, goods, or equipment. (Ord. 4391, Sec. 4, 1981)

**15.03.677 Veterinary service.** An establishment or use designed for the provision of veterinarian service and medical care for animals. (Ord. 5457, Sec. 2, 7/99)

**15.03.680 Vision clearance area.** "Vision clearance area" means a triangular area on a lot or parcel of land at the intersection of two streets or a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot or parcel of land joining the ends of the other two sides; where the lot lines at intersections have rounded corners, the lot line will be extended in a straight line to a point of intersection. The vision clearance area contains no planting, earth banks, terraces, walls, structures or temporary or permanent obstructions which shall exceed three and one-half feet in height measured from the crown of the street at its centerline. (Ord. 3968, Sec. 1, 1972)

**15.03.681 Warehousing and distribution, general.** Open air storage, distribution and handling of goods and materials. Typical uses include monument yards and open storage. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.682 Warehousing and distribution, limited.** Storage, warehousing and dispatching of goods within an enclosed structure. Typical uses include wholesale distribution, storage warehouses and moving/storage companies. (Ord. 5369, Sec. 5, 3/9/98)

**15.03.685 Wind energy conversion system (WECS).** Any device, such as a wind turbine and tower, wind charger, windmill and associated control or conversion electronics, which converts wind energy to a form of usable energy. A Small Wind Energy Conversion System (SWECS) shall have a rated capacity of not more than one hundred kilowatts (100 kW) and which is intended primarily to reduce on-site consumption of utility power. A Commercial Wind Energy Conversion System (CWECS) shall have a rated generating capacity equal to or greater than one hundred kilowatts (100 kW). Tower height is the height above grade of the fixed portion of the tower, excluding the wind turbine itself. Total extended height is the height above grade to a blade tip at its highest point of travel. Wind energy conversion systems shall not be permitted within the corporate boundaries of the City of Council Bluffs. (Ord. #6030, Sec. 1, 6/8/09)

**15.03.690 Yard.** "Yard" means an open space on a lot which is unobstructed by a structure other than those specified in Chapter 15.20. (Ord. 3968, Sec. 1, 1972)

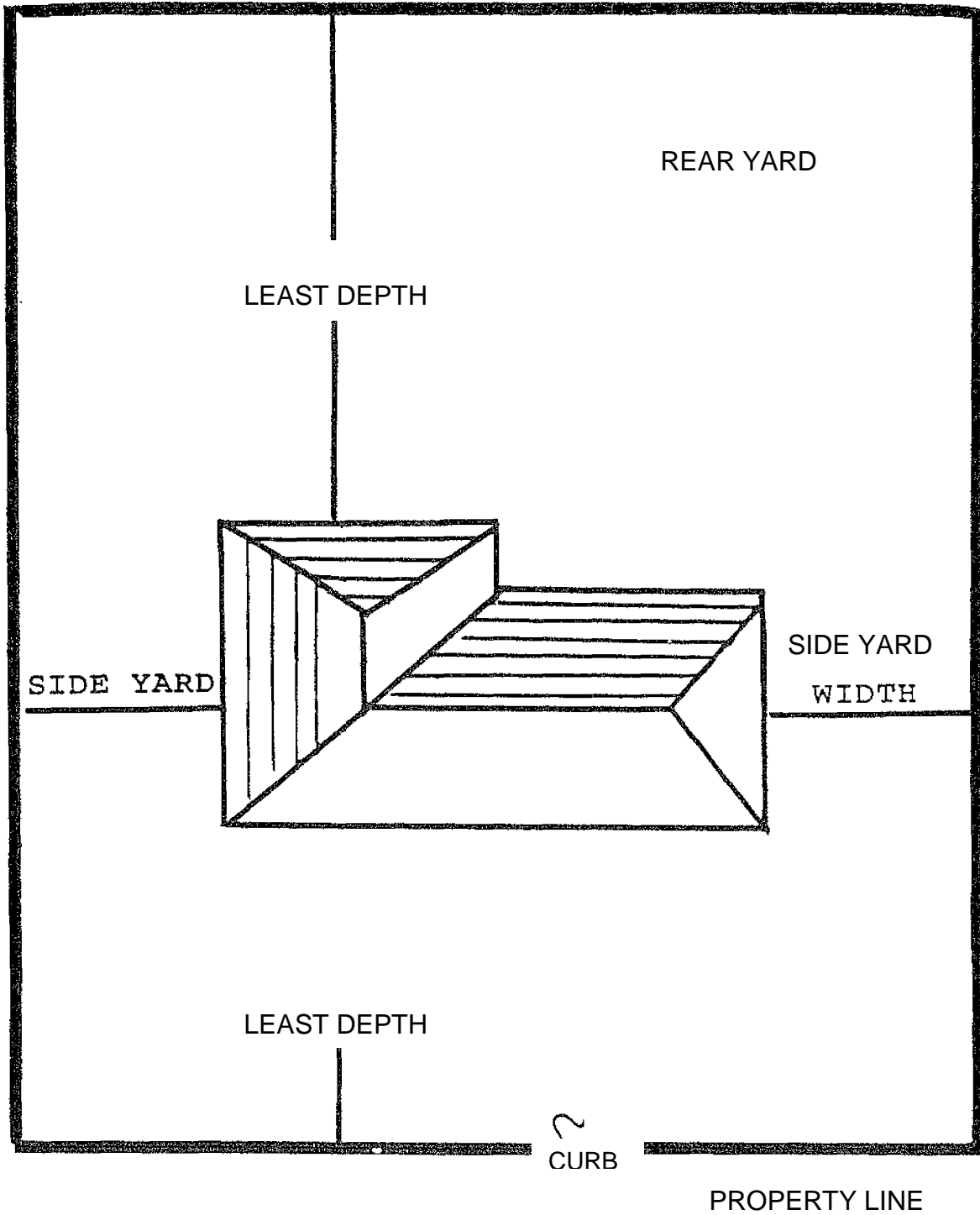
**15.03.700 Yard, front.** "Front yard" means an open space extending between side lot lines and measured horizontally from the front lot line at right angles to the front lot line to the nearest point of the building and structure. (Ord. 3968, Sec. 1, 1972)

**15.03.710 Yard, rear.** "Rear yard" means an open space extending between side lot lines and measured horizontally from the rear lot line at right angles from the rear lot line to the nearest point of the main building or structure. (Ord. 3968, Sec.1, 1972)

**15.03.720 Yard, side.** "Side yard" means an open space between a building or structure and the side lot line measured horizontally and at right angles from the side lot line of the nearest point of said building or structure. (Ord. 3968, Sec. 1, 1972)



# 15.03.730 YARD SETBACKS



## 15.03.740 LOT DEFINITIONS

